



Federal Communications Commission
Washington, D.C. 20554

DA 12-58

January 18, 2012

KSBJ EDUCATIONAL FOUNDATION
C/O Wray Fitch, Esq.
Gammon & Grange
8280 Greensboro Dr.
7th Floor
McLean, VA, 22101

File No.: SES-STA-20110913-01082

Dear Mr. Warner:

On September 13, 2011, KSBJ EDUCATIONAL FOUNDATION (KSBJ) filed the above-captioned application for Special Temporary Authority (STA) to operate a Fixed-Satellite Transmit/Receive Earth Station in Humble, TX. For the reasons stated below, we dismiss the STA application as defective, without prejudice to refile.

Section 25.112 of the Commission's rules, 47 C.F.R. §25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. The KSBJ application is incomplete, and subject to dismissal, for the following reasons:

Section 25.120(a) of the Commission's rules, 47 C.F.R. §25.120(a) requires STA requests to contain "the full particulars of the proposed operation." This includes frequency bands, powers and points of communication. KSBJ did not submit any information relating to the frequency bands requested for operations, the type of equipment to be used, the proposed powers, the points of communications (satellites) with which KSBJ intends to operate, or the duration of the special temporary operations.

In addition, Section 25.120(a) of the Commissions' rules, 47 C.F.R. §25.120(a), requires STA requests to include all facts sufficient to justify the temporary authority sought. KSBJ did not provide any such information in its STA request. Without this information, we cannot make a finding that extraordinary circumstances require immediate operation and a delay in these operations would seriously prejudice the public interest. *See* 47 §25.120(b)(1).

We note that the KSBJ STA application references file number SES-LIC-19940421-01478, which relates to earth station call sign E940280. The license for this earth station expired in June 2004. If KSBJ seeks to reinstate operations on this earth station on a regular basis, it must file an application for a full license to operate this earth

station. This application must be filed on FCC Form 312, with associated schedules (*see* 47 C.F.R. §§25.115 and 25.130), a radiation hazard analysis (*see* 47 C.F.R. §§1.1307(b) and Form 312, item 28), and a frequency coordination report (*see* 47 C.F.R. §25.130(b)).

If KSBJ chooses to refile a request for special temporary authority at the same time it files an application regular authority, it must provide both the full particulars of the temporary operations and a justification for the request. See 47 C.F.R. §25.120(a).

Accordingly, pursuant to Section 25.112 (a)(1) of the Commission's rules, 47 C.F.R. §25.112(a), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. §0.261, we dismiss this application without prejudice.

Sincerely,

Paul E. Blais
Chief, Systems Analysis Branch
Satellite Division
International Bureau